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EXAMINER

CHEN, KEATH T

ART UNIT	PAPER NUMBER
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1709

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,316

Applicant(s)

RAJAGOPALAN ET AL.

Examiner

Keath T. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/10/2005, 02/20/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 – 9, drawn to a method of coating, classified in class 427, subclass 248.1.
- II. Claims 10 – 19, drawn to a coating apparatus, classified in class 118, subclass 715.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process, for instance, deposition on substrate with Ag instead of Cu.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

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(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

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Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

1. During a telephone conversation with Kent J. Tobin on May 30, 2007, a provisional election was made without traverse to prosecute the invention of Group II, Claims 10 – 19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1 – 9 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

1. The drawings were received on 02/10/2005. These drawings are entered.
2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because drawings are hand-drawn. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are

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required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "214" described in [0055] not shown in Fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "third mass flow controller" in claim 13 and 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

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is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claims 12 and 17: "a shut off valve in fluid communication with the second mass flow controller and with the second outlet". (Suggestion: change to "the first outlet".)

Claims 13 and 18: "a third mass flow controller" not supported by the specification.

Claim Objections

6. Claims 14 and 19 are objected to because of the following informalities: "injection valve". Two valves connected together in Fig. 7 is described as injection valve, contrary to the usual meaning of injection valve (see US 6511923, col. 13, lines

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33-38 or US 6261374, Fig. 1, #11, col. 3, lines 13-33). Appropriate correction is required.

Claims 14 and 19 will be examined with the broadest interpretation, both the definition as in the arts and the definition by the Fig. 7 of the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 10-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Mukai et al. (US 20030017267, hereafter '267). (Metzner et al. US 20010035127, hereafter '127, is cited to show liquid flow meter and a vaporizer as a liquid mass flow controller).

'267 teaches all limitations of claim 10:

A gas supply panel (Fig. 2) comprising: a first mass flow controller (#232 liquid flow meter, and vaporizer #202, [0030], lines 10-17, together, make up a liquid mass flow controller, as cited in '127, [0106], lines 1-4) configured to be in fluid communication with a processing gas source (#222, TEB) through a first inlet; a delivery line (#291) configured to be in fluid communication with the first mass flow controller and with a processing chamber (#12 or other chamber as labeled "To chamber") through a first outlet (#252); a second mass flow controller (#234 and #204) configured be in fluid communication with a source of silicon-containing precursor (#224, TEOS) through a second inlet; a divert line (#295, [0035], lines 13-15, which applies to similar

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setups) configured to be in fluid communication with the second mass flow controller and with a chamber exhaust through a second outlet (#254); and a divert valve (#274, [0031]) configured to selectively place the second mass flow controller in fluid communication with the delivery line (via #294) or with the divert line (via 295, [0032]).

'267 further teaches the limitations of claim 15:

A substrate processing apparatus (#12, CVD chamber, [0026] lines 1-2) comprising: a processing chamber (#102) including an exhaust (#112, [0027], lines 6-7); a gas distribution system (#108, [0027], lines 3-5) configured to receive and deliver gases to a gas distribution face plate (#106) located proximate to a substrate support (#110, [0027], lines 5-6) within the processing chamber.

For substantially the same reason as claim 10 rejection above, claim 15 is rejected.

'267 further teach the limitation of claims 11 and 16:

The divert valve comprises a three way valve (as shown in Fig. 2).

'267 further teaches the limitation of claims 12 and 17:

A shut off valve in fluid communication with the second mass flow controller and with the second outlet ([0030], last sentence).

'267 further teaches the limitation of claims 13 and 18:

A third inlet (two available, #208a and #208b) in fluid communication with the delivery line (#291) through a third mass flow controller (two available, #209a and #209b, [0033]).

'267 further teaches the limitation of claims 14 and 19:

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The silicon-containing precursor comprises a liquid ([0004]), the gas supply panel further comprising: an injection valve (#214, [0030], line 11) configured to be in fluid communication with the second inlet and with the second mass flow controller; and a third inlet (#284) configured to be in fluid communication with a carrier gas source (#208a and #208b) and with the injection valve (#214).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6511923, 20030138562 and 5250323 are cited for flow panel. US 20020076508 is cited for three way valve.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keath T. Chen whose telephone number is 571-270-1870. The examiner can normally be reached on M-F, 8:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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kc

K.C.


JENNA BEFUMO
PRIMARY EXAMINER